

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

2/21/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 05-00207SOM
CASE NAME: USA vs. Daniel D. Miller
ATTYS FOR PLA: Marshall Silverberg
ATTYS FOR DEFT: Shanlyn Park
Mona Godinet (USPO)

JUDGE:	Susan Oki Mollway	REPORTER:	Debra Chun
DATE:	2/21/2006	TIME:	3:40 - 4:15

COURT ACTION: EP: Sentencing to Count 1 of the Indictment -

Defendant Daniel D. Miller present.

The Presentence Investigation Report and the USPO's recommendation are adopted by the Court, and placed under seal.

Allocution by the Defendant.

ADJUDGED:

Imprisonment: 24 Months.

Supervised Release: 3 Years.

Restitution: \$800.00.

Special Assessment: \$100.00.

CONDITIONS:

- ▶ That the defendant shall abide by the standard conditions of supervision.
- ▶ That the defendant not commit any crimes, federal, state, or local (mandatory condition).
- ▶ That the defendant not possess illegal controlled substances (mandatory condition)
- ▶ That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
- ▶ That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the terms of supervision, unless there is a positive drug test, in which event the maximum shall increase to up to one valid drug test per day.
- ▶ That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ▶ That restitution of \$800.00 is due immediately to First Hawaiian Bank, and any remaining balance upon release from confinement be paid during the period of supervision on an installment basis according to the collection policy of the Probation Office but at a rate of not less than 10 percent of his monthly gross income.
- ▶ That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
- ▶ That the defendant participate in a mental health program at the discretion and direction of the Probation Office.
- ▶ That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
- ▶ That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

- ▶ That the defendant serve up to 180 days community confinement, in a community corrections center such as Mahoney Hale, following release from imprisonment as arranged by the Probation Office.

Defendant advised of his right to appeal

JUDICIAL RECOMMENDATIONS: 1) Fort Worth; 2) Rochester; 3) Defendant not be designated to FDC Honolulu; 4) Vocational and Educational Programs; 5) Mental Health Treatment; 6) Medical Treatment; 7) Drug Treatment.

Mittimus is stayed until 4/10/06.

Defendant to self surrender @ 10:00 a.m. 4/10/06 at the facility designated by the BOP. The time is the time at the facility.

Defendant's request to remain at Mahony Hale - Granted if approved by USPTS.

Ms. Park to prepare the stipulation.

Defendant to remain out on bail with the same conditions to apply.

Submitted by: Toni Fujinaga Courtroom Manager.